

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America)	
v.)	
Curtis Burston, Jr.)	Case No: <u>5:04-CR-371-2F</u>
)	USM No: <u>24896-056</u>
Date of Previous Judgment: <u>June 14, 2005</u>)	
(Use Date of Last Amended Judgment if Applicable))	Defendant's Attorney <u>Thomas P. McNamara</u>

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 360 months **is reduced to** 294 months in each of Counts 1 & 3*. If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>38</u>	Amended Offense Level: <u>36</u>
Criminal History Category: <u>IV</u>	Criminal History Category: <u>IV</u>
Previous Guideline Range: <u>324</u> to <u>405</u> months	Amended Guideline Range: <u>262</u> to <u>327</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain) :

III. ADDITIONAL COMMENTS


*The sentence reduction applies only to Counts 1 and 3, and is concurrent. The sentence in Count 2 is unchanged and is concurrent with Counts 1 and 3, for a total sentence of 294 months imprisonment.

Except as provided above, all provisions of the judgment dated June 14, 2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: 12 / 23 / 2010

Effective Date: _____
(if different from order date)



Judge's signature

James C. Fox, Senior U.S. District Judge

Printed name and title